

Honorable Member of the European Parliament,

Nowadays, access to the Internet is a necessary condition for independent media coverage. For Community Media the internet is essential for editorial research and communication , program sharing with other radio stations, program distribution as podcast or streaming technologies.

With its declaration of 11.02.2009 "on the role of media in promoting of social cohesion and intercultural dialogue " [1 ] the Committee of Ministers of the Council of Europe recognizes Community Media as " independent media in addition to the public and private-commercial media ". They meet " many needs and functions that can cover neither commercial nor public media." They " contribute to media diversity" and " promote information access for underrepresented or marginalized persons, their possibilities of expression and their participation in decision-making . "

In order to make this contribution, access to an unrestricted Internet is essential.

The Committee of Ministers of the Council of Europe also declares:Users should have the greatest possible access to Internet-based content, applications and services of their choice, whether or not they are offered free of charge, using suitable devices of their choice. Such a general principle, commonly referred to as network neutrality, should apply irrespective of the infrastructure or the network used for Internet connectivity.

Access to infrastructure is a prerequisite for the realisation of this [2].

Therefore, we follow the debate on the draft law of the European Commission on net neutrality with great concern.

The Commission's draft was originally made to secure network neutrality , but as it looks right now it could lead to the opposite. Various human rights organizations have criticized the proposal, especially regarding the following points:

#### 1. Introduction of a two-class Internet by " special services " ( Article 2.15 and Article 19)

The regulation should define which services use the open Internet and what "premium" or "special services" are. The Commission's draft text is unfortunately poorly defined and would allow telecommunication companies to interpret every service as a "special service" and thus charge extra for those service. This regulation could therefore lead to a two -class Internet, where large corporations could buy a fast lane on the Internet.

#### 2. Internet blocking and censorship by the Internet service provider (Article 23.5.a )

The Commision sees procedures the provider may voluntarily take to prevent " severe crimes" as "reasonable traffic management". The internet providers would then have the ability to block content on the Internet without a court order. They could decide which content may be communicated and received and which could be assistance to "severe crime". The establishment of carriers to become controllers of free social communication contradicts any rule of law principle, and is a completely unacceptable robbery of EU citizens' elementary rights.

### 3. Misleading "liberties " instead of rights (Article 23)

The Regulation is talking of " freedoms" of users whereas it should be "rights". Consumers have already the "freedom" to choose between many confusing tariffs of Internet service providers. The Commission was very generous and intends to reguarise this - a right to unrestricted Internet access is unfortunately not mentioned in the draft .

We as Community Media Forum Europe (CMFE) join this criticism and reject the definition of any premium or special services, as well as Internet blocking and censorship by the Internet provider and the lack of a right to unrestricted Internet access for all users. We ask you therefore to engage in the ITRE Committee for a neutral Internet .

Yours sincerely, Friederike Maier for the board of CMFE

Links:

[1] <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1409919>

[2] <https://wcd.coe.int/wcd/com.instranet.InstraServlet?>

[Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1894969&SecMode=1&DocId=1631194&Usage=2](https://wcd.coe.int/wcd/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1894969&SecMode=1&DocId=1631194&Usage=2)